


**PATENT**

APPLICANT: Philips, J.O. ) ATTORNEY DOCKET: 01723326  
)  
PATENT NO.: 6,489,346 ) GROUP ART UNIT: 1625  
)  
FILED: January 11, 2000 ) EXAMINER: Fan, J.T.  
)  
TITLE: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND  
METHOD OF USING SAME  
  
DATE: June 21, 2004

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Timothy M. Hubalik  
(typed name of person mailing paper or fee)

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Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith for the above-captioned patent application are:

1. Request for Certificate of Correction under 37 C.F.R. § 1.322;
2. Form PTO/SB/44 (4 Sheets); and
3. Postcard acknowledging receipt of same.



6-22-04

cfe

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VT

APPLICANT: Philips, J.O. ) ATTORNEY DOCKET: 01723326  
)  
PATENT NO.: 6,489,346 **B1** ) GROUP ART UNIT: 1625  
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FILED: January 11, 2000 ) EXAMINER: Fan, J.T.  
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TITLE: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS  
METHOD OF USING SAME  
DATE: June 21, 2004

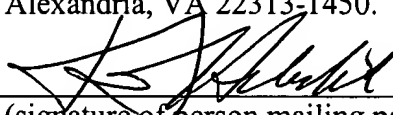
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of Correction

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P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION**  
**UNDER 37 C.F.R. § 1.322 (PTO MISTAKES)**

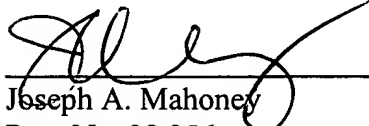
Pursuant to 37 C.F.R. § 1.322, Applicant respectfully requests that the errors pointed out in the attached Forms PTO/SB/44 be corrected by way of a certificate of correction in the above-identified patent. Applicant submits that these typographical errors were incurred through the fault of the Office and that the mistakes are clearly disclosed in the file history of the above-referenced patent.

The Applicant respectfully submits that the above-proposed correction would not introduce any new matter and would not alter the substance of the patent in any way that would necessitate reevaluation by an Examiner. No fee is believed payable in connection with this request. If, however, a fee is deemed payable in connection with this request, please charge such fee to Deposit Account No. 13-0019.

If any additional information is required, the Patent Office is invited to contact the undersigned by telephone.

Respectfully submitted,

By:

  
Joseph A. Mahoney  
Reg. No. 38,956

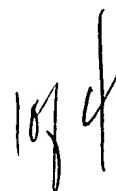
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UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,489,346 <sup>b1</sup>  
DATED : December 3, 2002  
INVENTOR(S) : Phillips, J.O.



It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claim 1

After "an enantiomer, isomer," insert --derivative--, therefor.

Column 2

Line 17, delete "cimetidine" and insert --Cimetidine--, therefor.

Line 19, delete "39" and insert --30--, therefor.

Line 41, delete "64" and insert --84--, therefor.

Line 48, delete "Antacids" and insert --antacids--, therefor.

Line 63, delete "64" and insert --84--, therefor.

Column 9

Line 42, delete "Brunton" and insert --Goodman AG, et al.--, therefor.

Lines 43-44, delete "In Goodman A G, et al." and insert --in--, therefor.

Column 13

Line 31, delete "inhibitor" and insert --inhibitors--, therefor.

Column 20

Lines 32-33, after "Dextrose 10 mg" insert a new line as follows: --Calcium Hydroxide 10 mg--

Column 22

Lines 51-52, delete "Choco-Base," and insert --Choco-BaseTM"--, therefor.

Line 56, delete "Choco-Base" and insert --Choco-BaseTM--, therefor.

MAILING ADDRESS OF SENDER:

Joseph A. Mahoney  
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P.O. Box 2828  
Chicago, IL 60690

PATENT NO. 6,489,346

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UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,489,346 *b1*  
DATED : December 3, 2002  
INVENTOR(S) : Phillips, J.O.

*294*

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 23

Line 29, after "males and 6" insert --were--, therefor.

Column 24

Line 21, delete "Choco-Base" and insert --Choco-BaseTM--, therefor.

Column 28

Line 39, delete "Choco-Base" and insert --Choco-BaseTM--, therefor.

Line 46, delete "Choco-Base" and insert --Choco-BaseTM--, therefor.

Line 55, delete "Choco-Base" and insert --Choco-BaseTM--, therefor.

Column 36

Line 30, after "TOTAL", delete --far-- and insert --for--, therefor.

MAILING ADDRESS OF SENDER:

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# UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF CORRECTION

PATENT NO. : 6,489,346 **B1**  
 DATED : December 3, 2002  
 INVENTOR(S) : Phillips, J.O.

2074

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

### Column 36

Line 51, after Table 3, please insert Tables 4 and 5 as follows:

--TABLE 4

The average length of treatment was 9 days. Cost of care was calculated from these days.

		Per Day	Total
<u>OMEPRAZOLE (day 1)</u>			
Product acquisition cost	40 mg load x 2 5.66/dose)	11.32	11.32
Ancillary product	materials for solution preparation	0.41	0.41
Ancillary product	syringe w/needle	0.20	0.40
Sterile preparation required	no		
SOS preparation time (R.N.)	6 minutes	2.40	4.80
R.N. time (\$24/hr)	21 minutes/day (includes pH monitoring)	8.40	8.40
<u>OMEPRAZOLE (days 2-9)</u>			
Product acquisition cost	20 mg per day	2.80	22.65
Ancillary product	materials for solution preparation	0.41	0.82
Ancillary product	syringe w/needle	0.20	1.60
Sterile preparation required	no		
SOS preparation time (R.N.)	6 minutes	2.40	4.80
R.N. time (\$24/hr)	18 minutes/day (includes pH monitoring)	8.40	57.60
2/75 patient require 40 mg simplified omeprazole solution per day (days 2-9)			0.63
No additional cost for adverse effects or for failure			
TOTAL		113.43	
Simplified Omeprazole Solution cost per day		12.60	

Pharmacoeconomic evaluation of omeprazole cost of care

MAILING ADDRESS OF SENDER:

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# UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF CORRECTION

PATENT NO. : 6,489,346 **bl**  
 DATED : December 3, 2002  
 INVENTOR(S) : Phillips, J.O.

*4 of 4*

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

### TABLE 5

Time	Control	1 hour	24 hour	2 day	7 day	14 day
Conc (mg/ml)	2.01	2.07	1.94	1.96	1.97	1.98

Stability of Simplified Omeprazole Solution at room temperature  
(25° C.). Values are the mean of three samples.--

#### Column 37

Line 14, delete "bicarbonate." and insert --bicarbonate;--, therefor.

Line 63, after "plasma will then", insert --be--, therefor.

#### Column 38

Line 11, delete "Choco-Base" and insert --Choco-Base<sup>TM</sup>--, therefor.

Line 12, after "suspension and", delete "190" and insert --100--, therefor.

#### Column 39

Line 22, after "suspension and", delete "190" and insert --100--, therefor.

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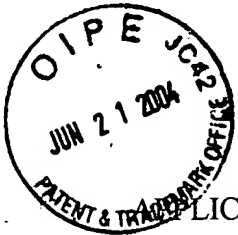
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 Mayer, Brown, Rowe & Maw LLP  
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 Chicago, IL 60690

PATENT NO. 6,489,346

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## PATENT

APPLICANT: Philips, J.O. ) ATTORNEY DOCKET: 01723326  
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PATENT NO.: 6,489,346 *bl* ) GROUP ART UNIT: 1625  
)  
FILED: January 11, 2000 ) EXAMINER: Fan, J.T.  
)  
TITLE: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND  
METHOD OF USING SAME **Certificate**  
JUN 29 2004  
DATE: June 21, 2004 **of Correction**

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Timothy M. Hubalik  
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**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith for the above-captioned patent application are:

1. Request for Certificate of Correction under 37 C.F.R. § 1.323;
2. Form PTO/SB/44 (3 Sheets);
3. Check in the amount of \$100; and
4. Postcard acknowledging receipt of same.

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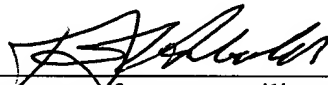




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PATENT NO.: 6,489,346 ) GROUP ART UNIT: 1625  
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FILED: January 11, 2000 ) EXAMINER: Fan, J.T.  
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TITLE: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND  
METHOD OF USING SAME  
  
DATE: June 21, 2004

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Timothy M. Hubalik  
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**REQUEST FOR CERTIFICATE OF CORRECTION**  
**UNDER 37 C.F.R. § 1.323 (APPLICANT'S MISTAKES)**

Pursuant to 37 C.F.R. § 1.323, Applicant respectfully requests that the errors pointed out  
in the attached Forms PTO/SB/44 be corrected by way of a certificate of correction in the above-  
identified patent. Applicant submits that these clerical and/or typographical errors were made in  
good faith and without deceptive intent. The corrections requested herein do not involve such  
changes in the patent that would constitute new matter or would require reexamination.

Specifically, with regard to replacement of the phrase "alkali earth metal" with the phrase  
"alkaline earth metal" at Column 16 of the above-referenced patent, it is clear from the  
specification that typographical errors exist. For example, at Column 16, lines 50 – 56, the  
specification provides as examples, *inter alia*, calcium carbonate, calcium lactate, calcium  
glycerophosphate, magnesium aluminate, and magnesium silicate. One of ordinary skill in the

art will readily appreciate that both calcium and magnesium are alkaline-earth metals, not alkali metals.


At Column 24, Column 25 and Column 28, the phrase "Choco-Base" is to be changed to reflect the fact that this term is a trademark. That this is a typographical error is clear from the specification as originally filed, for example at page 51, line 2 where the term "Choco-Base™" is properly identified as a trademark.

Lastly, at Column 38 and Column 39, the symbol "ul" is to be replaced by the symbol "μl". This error is clear from the context of the liquid chromatography procedure being described. In this context, a person of ordinary skill in the art would recognize that the "ul" symbol was being used to represent "microliter" or "μl".

The Applicant respectfully submits that the corrections proposed herein would not introduce any new matter and would not alter the substance of the patent in any way that would necessitate reevaluation by an Examiner. The fee of \$100.00 is enclosed, pursuant to 37 C.F.R. 1.20(a). The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication to our Deposit Account No. 13-0019. If any additional information is required, the Patent Office is invited to contact the undersigned by telephone.

Respectfully submitted,

By:

  
\_\_\_\_\_  
Joseph A. Mahoney  
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UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,489,346 B1  
DATED : December 3, 2002  
INVENTOR(S) : Phillips, J.O.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 16, lines 50 – 56

Non-limiting examples of buffering agents which could be utilized in such tablets include sodium bicarbonate, alkaline-earth [alkali earth] metal salts such as calcium carbonate, calcium hydroxide, calcium lactate, calcium glycerophosphate, calcium acetate, magnesium carbonate, magnesium hydroxide, magnesium silicate, magnesium aluminate, aluminum hydroxide or aluminum magnesium hydroxide. A particular alkaline-earth [alkali earth] metal salt useful for making an antacid tablet is calcium carbonate.

Column 16, lines 57 - 63

An example of a low density alkaline-earth [alkali earth] metal salt useful for making the granules according to the present invention is extra light calcium carbonate available from Specialty Minerals Inc., Adams, Me. The density of the extra light calcium carbonate, prior to being processed according to the present invention, is about 0.37 gm/ml.

Column 16, line 64 – Column 17, line 4

The granules used to make the tablets according to one embodiment of the present invention are made by either spray drying or pre-compacting the raw materials. Prior to being processed into granules by either process, the density of the alkaline-earth [alkali earth] metal salts useful in the present invention ranges from about 0.3 gm/ml to about 0.55 gm/ml, preferably about 0.35 gm/ml to about 0.45 gm/ml, even more preferably about 0.37 gm/ml to about 0.42 gm/ml.

MAILING ADDRESS OF SENDER:

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PATENT NO. 6,489,346 B1

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PATENT NO. : 6,489,346 B1  
DATED : December 3, 2002  
INVENTOR(S) : Phillips, J.O.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 24

Line 5, delete "Choco-Base" and insert --Choco-BaseTM--, therefor.  
Line 44, delete "Choco-Base" and insert --Choco-BaseTM--, therefor.

Column 25

Line 24 delete "Choco-Base" and insert --Choco-BaseTM--, therefor.  
Line 35 delete "Choco-Base" and insert --Choco-BaseTM--, therefor.  
Line 51 delete "Choco-Base" and insert --Choco-BaseTM--, therefor.  
Line 54 delete "Choco-Base" and insert --Choco-BaseTM--, therefor.

Column 28

Line 52, delete "Choco-Base" and insert --Choco-BaseTM--, therefor.

Column 38

Line 10, delete "ul" and insert --μl--, therefor.  
Line 12, after "suspension and 190", delete "ul" and insert --μl--, therefor.  
Line 13, delete "ul" and insert --μl--, therefor.  
Line 14, delete "ul" and insert --μl--, therefor.  
Line 17, delete "ul" and insert --μl--, therefor.  
Line 19, delete "ul" and insert --μl--, therefor.

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PATENT NO. 6,489,346 B1

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PATENT NO. : 6,489,346 *B1*  
DATED : December 3, 2002  
INVENTOR(S) : Phillips, J.O.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 39

Line 21, delete "ul" and insert --μl--, therefor.  
Line 22, after "suspension and 190", delete "ul" and insert --ml--, therefor.  
Line 23, delete "ul" and insert --μl--, therefor.  
Line 24, delete "ul" and insert --μl--, therefor.  
Line 27, delete "ul" and insert --μl--, therefor.  
Line 29, delete "ul" and insert --μl--, therefor.

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PATENT NO. 6,489,346 *B1* .....

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